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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,109	07/28/2000	ARND WENDLAND	10191/1401	9774
26646	7590	11/17/2004		
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			EXAMINER CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	24
DATE MAILED: 11/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,109

Applicant(s)

WENDLAND, ARND

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 9-15 have been considered but are moot in view of the new ground(s) of rejection. Examiner has discovered an older reference to Ruhl et al., U.S. Patent No. 5,991,610 (i.e., which encompasses the scope of the previously used reference to Ruhl et al. U.S. Patent No. 6,285,862) with a filing date of July 2, 1996 with precedes the effective filing date of the instant application (December 9, 1997, based on foreign priority).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruhl et al. (Ruhl), U.S. Patent No. **5,991,610**.

Regarding claim 15, Ruhl discloses a broadcast radio receiver set, comprising:

a memory for storing operating instructions (i.e., reads on traffic messages) that are capable of being retrieved, through input selection, in any

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desired sections, and that are capable of being retrieved, through input selection, in any desired sections, and that are able to be acoustically manifested (reads on data file becoming visible or audible via the display) via an output device (col. 2, lines 45-53 and col. 4, lines 38-52 and col. 5, lines 30-54 and col. 13, lines 17-39);

wherein the radio receiver set is configured to be compatible with at least one of radio data system supplementary service and a traffic message channel supplementary service (reads on Radio Data System and Traffic Message Channel broadcast receiver) (col. 1, lines 19-50).

Regarding claim 10, Ruhl further discloses the radio receiver set according to claim 15, wherein: the memory corresponds to a non-volatile memory (e.g., ROM (col. 5, lines 19-29) .

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruhl, in view of Kung, U.S. Patent No. 5,182,553, previously used in last office action).

Regarding claim 9, Ruhl discloses the radio receiver set according to claim 15, but fails to explicitly disclose wherein a portion of the operation instructions is retrievable in response to an application of an operation voltage.

In a similar field of endeavor, Kung discloses wherein a portion of the operation instructions is retrievable in response to an application of an operation voltage (i.e., reads on actuating a "function" key)(col. 5, line 48 to col. 6, line 56).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include on its use control device, means for applying an operation voltage for the purpose of making selections on the broadcast receiver.

Regarding claim 11, Ruhl discloses the radio receiver set according to claim 15, but fails to explicitly disclose: a transmission device for receiving one of the operating instructions and at least sections of the operating instructions from a central device.

Kung further discloses a transmission device for receiving one of the operating instructions and at least sections of the operating instructions from a central device (col. 7, lines 25-49).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify Ruhl to include transmission means and external means for reprogramming the broadcast receiver as is known in the art and suggested in Kung (see col. 7, lines 25-49).

Regarding claim 12, Ruhl discloses the radio receiver set according to claim 11, but fails to disclose: an operational control element for retrieving and outputting one of the sections of the operating instructions, the one of the sections of the operating instructions being adapted to a specific operating state of the receiver.

Regarding claim 13, Ruhl as modified by Kung discloses the radio receiver set according to claim 12, wherein: the operational control element permits a repeated actuation in order to output other sections of the operating instructions (see Kung, col. 5, line 32 to col. 6, line 57).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

Regarding claim 14, Ruhl as modified by Kung discloses the radio receiver set according to claim 13, further comprising:

a further operational control element, wherein:

the operational control element and the further operational control element enable a section of the operating instructions pertaining to the further operational control element to be output by actuating the operational control element and by actuating the further operational control element (i.e., reads on in response to actuating the "HELP" key and then the "LOCK" key, information typical of the "LOCK" function is displayed) (see Kung, col. 5, line 1 to col. 6, line 55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

*Joy K Contee*  
**JOY K. CONTEE**  
**PATENT EXAMINER**

11/10/04